

REMARKS

Claim 1 calls for obtaining on a first device, a contact list of second wireless devices with which the first wireless device has communicated in the past. The Board suggests that there is not support for this limitation in the claims. The Board may be suggesting that it is never explicitly stated that any particular device shown in the figure communicated with one of the other devices in the past.

Patent drawings are not movies which show times present, past, and future. The necessary sense of the application is that the only way you can come up with a contact list is to have been within range. No other option is suggested. In order to have someone else's contact list, you must have been within range of them sometime in the past, even if you are not now.

The suggestion that the definition of contact list does not say that one "must" have communicated in the past is certainly strained. The definition says you "may" have communicated in the past and there is no other way to obtain the contact list is provided. In other words, the application never says there is any other way to get it. Thus, "may" is good enough to provide Section 112 support.

Referring to claim 1, the first wireless device could be the device x in Figure 1 and it has just obtained a contact list of a second wireless device, such as the device y, which it had just communicated with and, thus, has communicated with in the past. It includes a first contact in range from the first wireless device (i.e. y) and a second contact (i.e. z) out of range. As explained in the specification at page 5, lines 17-21, even though z is out of range of device x, the device x may establish a communication link through their common contact y. So the contact in range at the point and time depicted in Figure 1, as described in the claim, is y and the contact out of range is z.

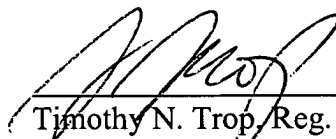
Then the claim calls for automatically establishing a communication route between the first wireless device and the first contact (y).

Finally, the claim calls for automatically establishing a communication route from the first wireless device, which is x, to the second contact, which is z through y. It is explicitly supported by the material in the specification at page 5, lines 17-21. For example, at the instant after x and y have exchanged contact lists, as shown in Figure 1, claim 1 would apply. That is, the situation shown in Figure 1 still would persist.

A declaration in support by one skilled in the art is attached hereto.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Timothy N. Trop', is written over a horizontal line.

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